

Regional Offices

Utah Lake/Jordan River

(Provo, Jordan and Spanish Fork Rivers, and all tributaries to Utah Lake)
1594 West North Temple, Suite 220
P.O. Box 146300
Salt Lake City, UT 84114-6300
801-538-7240

Weber River/Western Utah

(Weber and Ogden Rivers, Tooele area and Great Salt Lake Desert)
1594 West North Temple, Suite 220
P.O. Box 146300
Salt Lake City, UT 84114-6300
801-538-7240

Northern Regional Office

(Bear, Logan and Blacksmith Fork Rivers, and western Box Elder County)
1780 North Research Parkway, Suite 104
North Logan, UT 84341-1840
435-752-8755

Eastern Regional Office

(Uinta Basin rivers and North Slope of the Uinta Mountains streams tributary to the Green River)
State and County Building
152 East 100 North
Vernal, Utah 84078-2126
435-781-5327

Sevier River Regional Office

(Sevier, Fremont and Dirty Devil Rivers)
130 North Main Street
P.O. Box 664
Richfield, Utah 84701-0664
435-896-4429

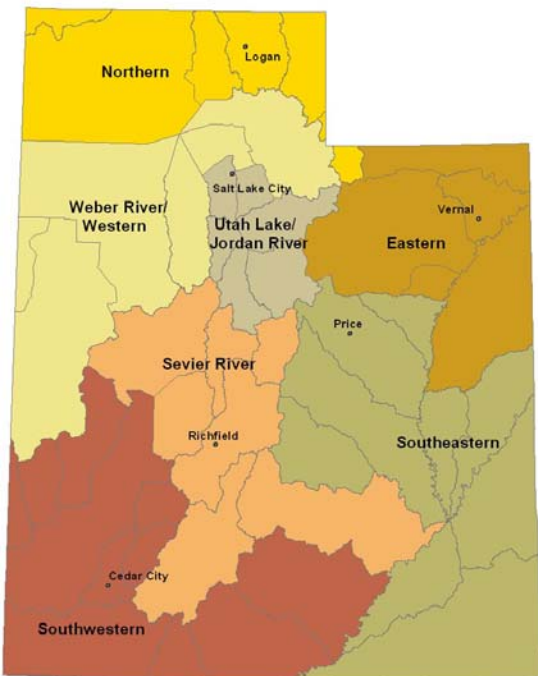
Regional Offices—continued

Southwestern Regional Office

(Virgin, Colorado, Paria, Escalante, Beaver and Santa Clara Rivers)
585 North Main Street
P.O. Box 506
Cedar City, Utah 84721-0506
435-586-4231

Southeastern Regional Office

(Price, Green, Colorado, San Rafael, Muddy and San Juan Rivers)
319 North Carbonville Road , Suite B
P.O. Box 718
Price, Utah 84501–2303
435-613-3750



Available Publications, Pamphlets and Materials

- Technical Publications (Tech Pubs)
- Hydrological data
- Dam Safety Phase I and II
- Information Bulletins
- Basic Data Reports
- Biennial Reports
- Water Circulars
- USGS/UGS Special Studies
- Water Use Reports
- Water Companies of Utah
- Proposed Determination of Water Rights
- Commissioner Reports
- Administrative Rules
- Administrative Procedures for Informal Proceedings
- Well Logs
- Stream Alteration Fact Sheets
- Computer Generated Search Data
- Copies from Files
- Blank Application Forms
- Topographic, Aerial and GIS maps
- Certified Copies

For More Information Contact:

Utah Division of Water Rights
1594 West North Temple, Suite 220
P.O. Box 146300
Salt Lake City, UT 84114-6300
Phone: (801) 538-7240
Fax: (801) 538-7467
www.waterrights.utah.gov

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WATER RIGHTS PRACTICE



www.waterrights.utah.gov

Owning A Utah Water Right

Background

Water is key to life. Reliable water supplies are essential to encourage and sustain economic growth. Utah is a desert and it's water is very limited. Rights to beneficially use the waters of the public (water rights) have always been an important consideration in Utah whether you hope to build a rural home or develop a new commercial operation with a demanding water requirement along the populated Wasatch front. Utah's Water Right system is based around the concept of a presumed shortage in supply versus demand (prior appropriation) rather than providing an entitlement to use water adjacent to land (riparian system). All diversions and beneficial use of water in Utah must be authorized by the State Engineer, an administrative officer in the executive branch of state government first established by the legislature in 1897. The State Engineer's staff make up the Utah Division of Water Rights, an agency within the Utah Department of Natural Resources. The main Office is located in Salt Lake City with regional offices in Logan, Vernal, Price, Richfield and Cedar City.

State Engineer's Role

The State Engineer's responsibility is to administer the state's water resources, providing citizens opportunity to make beneficial use of the State's waters while protecting prior rights and the welfare interests of the public. Utah water law is contained in chapter 73 of the Utah Code. It provides that new uses of water or a change in existing use must be approved by the State Engineer prior to the undertaking. Once a use is authorized, the State Engineer monitors development to prove the use actually occurs before a Water Right Certificate is issued. Once certificated, a water right is a permanent right as long as the use persists. The right can be lost or forfeited through neglect (failure to continue to beneficially use the water). That policy is necessary to encourage movement of private water rights to those seeking to place water to beneficial use rather than just being held by those attempting to monopolize the resource.

Water Right Information / Notice

The State Engineer maintains records of each water right he administers. The records are publicly available, used to plan for use of water resources, used to distribute water by priority if the supply is not sufficient to satisfy all rights, and provide notice to others that water rights exist. The State Engineer has a need to contact water users during the administrative process

when a water right is being certificated or as other water management issues emerge. The State Engineer provides notice of some events by publishing notices in a newspaper of general circulation in the county where a water use or diversion is proposed. In the case of more specific administrative actions, the State Engineer is required to provide individual notification by mail to the water right holder. **It is critical that those who own water rights maintain current contact information with the State Engineer so notices can be provided. It is even more critical that water users respond to such notices.**

Buying and Selling Water Rights

Water rights are transferred by deed in substantially the same manner as real estate. The deed, to be effective, must be recorded in the office of the County Recorder in the county where the water is used and diverted. The water rights transfer "silently" with the land to which a water right is appurtenant if the same person owns the water right and the land where the water is used and has not been specifically reserved or sold previous to the land conveyance. Conveyance by appurtenance is convenient for real estate transfers, but the "silence" and potential for other options make record keeping difficult and can cause misunderstanding. Without significant research it is difficult to address water right ownership authoritatively.

There is no process which automatically updates State Engineer records when a deed is recorded with the county recorder. Instead, Utah statute requires that water right owners or professionals, where needed, must complete a document called a Report of Water Right Conveyance (ROC). That document places the burden on the water user to inform the State Engineer of changes in water rights ownership, so the State Engineer can update records appropriately.

Bottom Line

When you buy real estate, you need to understand what water rights may be conveyed with the property, you need to immediately update records of the State Engineer by filing a ROC on any water rights conveyed, understand the limitations and conditions of the water rights owned, and use the water rights beneficially in conformance with their limitations to maintain their validity. It is critical to keep your contact information up to date on the Division of Water Rights records. For additional information call us at (801) 538-7240.